

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, <i>et al.</i> ,	:	
	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:17-cv-2989-AT
BRAD RAFFENSPERGER, <i>et al.</i> ,	:	
	:	
	:	
Defendants.	:	

ORDER

This matter is before the Court on the Joint Discovery Statement of Plaintiffs Coalition for Good Governance, William Digges III, Laura Digges, Ricardo Davis and Megan Missett and the Fulton County Defendants regarding the Plaintiffs' Rule 34 Request for inspection.

Plaintiffs seek an order directing the Fulton County Defendants to permit Plaintiffs to undertake the following activities on Election Day, November 3, 2020:

- A. Observe and photograph the polling place operation of the voting system equipment in a manner that does not disrupt the voting activity;
- B. Observe the check-in process and photograph the operation of electronic pollbooks, including having visual access to the display screens in a manner that does not disrupt polling place workflow;
- C. Observe and photograph preparation and installation of voting equipment prior to opening of the polls, including any equipment testing; and,

D. Observe the absentee mail ballot processing and scanning operations, having visual access to workstation monitors and equipment display screens, including public counters and status and error messages (at this time, without photography because Plaintiffs inadvertently failed to formally request it).

(Doc. 996 at 2.)

Plaintiffs' Rule 34 Request was served on the Fulton County Defendants on October 14, 2020. The Court appreciates that Plaintiffs attempted to confer with the Fulton County Defendants over what appears to be one or two weeks and meanwhile secured statewide poll watcher status or observer status for some representatives. Finally, after having received no affirmative response from Fulton County over the last two weeks, Plaintiffs brought this dispute to the Court, filing the Joint Statement at 2:55 p.m. in the afternoon the day before polls open at 7:00 a.m. on Election Day. While the Court understands Plaintiffs' concerns and that the Coalition has worked out broader arrangements in the past, it is simply too late for the Court to jump into the fray at this very late juncture in a moment on the immediate eve of the election. The Fulton County Defendants shall respect the rights of any of the individuals duly designated as poll watchers under O.C.G.A. § 21-2-408 to observe the election processes and take notes of their observations. The Court is not prepared to grant access to poll watchers beyond that provided by O.C.G.A. § 21-2-408 at this time. Plaintiffs may renew their Rule 34 Request sufficiently in advance of any scheduled runoff elections.

IT IS SO ORDERED this 2nd day of November, 2020.



Amy Totenberg
United States District Judge